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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

Cuba, Iran (Islamic Republic of)*, Morocco*, Nigeria*: draft resolution

1997/... The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

The Commission on Human Rights,

Recalling the provisions of the Charter which establish that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the commitment of States Members of the United Nations, contained in Article 56 of the Charter, to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55 of the Charter,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources",

Mindful that in the Vienna Declaration and Programme of Action (A/CONF.157/23) the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that the Working Group on the Right to Development identified the concentration of economic and political power as one of the obstacles to the realization of the right to development,

Noting also that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Taking into account that the Working Group on the Right to Development recommended the adoption of new international legislation and the creation of effective international institutions to regulate the activities of transnational corporations and banks, and in particular to resume the multilateral negotiations on a code of conduct for transnational corporations,

Bearing in mind the Tripartite Declaration concerning Multinational Enterprises and Social Policy adopted by the International Labour Conference,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 23 February 1994, 1995/13 of 24 February 1995 and 1996/15 of 11 April 1996,

Taking into account the background document (E/CN.4/Sub.2/1995/11) prepared by the Secretary-General in accordance with Sub-Commission resolution 1994/37 and the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with Sub-Commission resolution 1995/31,

Taking note of resolution 1996/39 of 30 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Reaffirms the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, underlining its multidimensional, integrating and dynamic character which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at the universal and effective respect of all human rights in their universality, indivisibility and interdependence;

2. Affirms that the global and multidimensional approach defined in the Declaration on the Right to Development should provide the basis for the work undertaken on the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations;

3. Decides to establish, for a three-year period, an open-ended working group of the Commission with the following mandate:

(a) To identify and examine the adverse effects of the methods of work and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development;

(b) To investigate, monitor, examine and receive communications and gather information on the adverse effects of the methods of work and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development;

(c) To make recommendations and proposals aimed at regulating the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which the transnational corporations operate, and to promote the enjoyment of economic, social and cultural rights and the right to development;

(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively;

and to request it to submit its initial report to the Commission at its fifty-fourth session;

4. Requests the Secretary-General to invite Governments, United Nations bodies and agencies, intergovernmental organizations and non-governmental organizations, in particular development organizations, to submit to the working group information on the adverse effects of the working methods and activities to transnational corporations on the enjoyment of economic, social and cultural rights and the right to development;

5. Requests the Secretary-General to ensure that the working group receives all necessary assistance, in particular the staff and resources required to fulfil its mandate;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/... of ... 1997 and resolution 1996/39 of 30 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Commission to establish, for a three-year period, an open-ended working group of the Commission with the following mandate:

(a) To identify and examine the adverse effects of the methods of work and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development;

(b) To investigate, monitor, examine and receive communications and gather information on the adverse effects of the methods of work and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development;

(c) To make recommendations and proposals aimed at regulating the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which the transnational corporations operate, and to promote the enjoyment of economic, social and cultural rights and the right to development;

(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively;

and request it to submit its initial report to the Commission at its fifty-fourth session. The Council approves the Commission's request to the Secretary-General:

(a) To invite Governments, United Nations bodies and agencies, intergovernmental organizations and non-governmental organizations, in particular development organizations, to submit to the working group information on the adverse effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development;

(b) To provide the necessary human and financial resources to enable the working group to fulfil its mandate."